Executive Order 13105 of November 2, 1998

# Open Enrollment Season for Participants in the Foreign Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 827 of the Foreign Service Act of 1980 (22 U.S.C. 4067) and section 292 of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2141), and in order to conform further the Foreign Service Retirement and Disability System and the Central Intelligence Agency Retirement and Disability System to the Civil Service Retirement and Disability System, it is hereby ordered as follows:

**Section 1.** In conjunction with section 860 of the Foreign Service Act of 1980 (22 U.S.C. 4071i), the Secretary of State shall issue regulations providing for an open enrollment period from November 1, 1998, to April 30, 1999, during which employee participants in the Foreign Service Retirement and Disability System may elect to become subject to the Foreign Service Pension System.

**Sec. 2.** In conjunction with section 307(a) of the Central Intelligence Agency Retirement Act of 1964 (50 U.S.C. 2157(a)), the Director shall provide for an open enrollment period from November 1, 1998, to April 30, 1999, during which employee participants in the Central Intelligence Agency Retirement and Disability System may elect to become subject to the Federal Employees' Retirement System, comparable to the election for civil service employees provided for by the Federal Employees' Retirement System Open Enrollment Act of 1997, Public Law 105–61.

WILLIAM J. CLINTON

THE WHITE HOUSE, November 2, 1998.

# Executive Order 13106 of December 7, 1998

# Adjustments of Certain Rates of Pay and Delegation of a Federal Pay Administration Authority

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

**Section 1.** Statutory Pay Systems. The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), in accordance with section 647(a) of the Treasury and General Government Appropriations Act, 1999, as incorporated in Division A, section 101(h) of Public Law 105–277, are set forth on the schedules attached hereto and made a part hereof:

- (a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;
- (b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and

## **Executive Orders**

- (c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.
- **Sec. 2.** Senior Executive Service. The rates of basic pay for senior executives in the Senior Executive Service, as adjusted under 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.
- **Sec. 3.** Executive Salaries. The rates of basic pay or salaries for the following offices and positions, which remain unchanged pursuant to section 621 of the Treasury and General Government Appropriations Act, 1999, as incorporated in Division A, section 101(h) of Public Law 105–277, are set forth on the schedules attached hereto and made a part hereof:
  - (a) The Executive Schedule (5 U.S.C. 5312-5318) at Schedule 5;
- (b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and
- (c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a)) at Schedule 7.
- **Sec. 4.** *Uniformed Services.* Pursuant to sections 601 and 604 of Public Law 105–85, the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.
- **Sec. 5.** Locality-Based Comparability Payments. (a) Pursuant to section 5304 of title 5, United States Code, and in accordance with section 647(a) of the Treasury and General Government Appropriations Act, 1999, as incorporated in Division A, section 101(h) of Public Law 105–277, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.
- (b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.
- **Sec. 6.** Effective Dates. Schedule 8 is effective on January 1, 1999. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 1999.
- **Sec. 7.** Prior Order Superseded. Executive Order 13071 of December 29, 1997, is superseded.
- **Sec. 8.** Delegation of a Federal Pay Administration Authority. Executive Order 12748, as amended, is further amended in section 2(c) by deleting "5304(h)" and inserting "5304(g)–(h)" in lieu thereof.

WILLIAM J. CLINTON

THE WHITE HOUSE,

December 7, 1998.

EO 13106

SCHEDULE 1 -- GENERAL SCHEDULE

Title 3—The President

	10	\$16,718 18,907 21,306 23,918 26,762 29,833 33,151 36,711 40,555 44,658 49,066 58,808 69,930 82,638	
period	თ	\$16,299 18,422 20,760 23,305 26,076 29,068 32,301 35,770 39,515 43,513 47,808 57,300 68,137 80,519	
е рау	∞	\$16,281 17,937 20,214 22,692 25,390 28,303 31,451 34,829 38,475 42,368 46,550 55,792 66,344 78,400	
of the first applicable after January 1, 1999)	7	\$15,838 17,452 19,668 22,079 24,704 27,538 30,601 33,888 37,435 41,223 45,292 54,284 64,551 76,281	
of the first after January	9	\$15,401 16,967 19,122 21,466 24,018 26,773 29,751 32,947 36,395 40,078 44,034 52,776 62,758	
	വ	\$15,140 16,482 18,576 20,853 23,332 26,008 28,901 32,006 35,355 38,933 42,776 51,268 60,965 72,043	
on the first day beginning on or	4	\$14,694 16,299 18,030 20,240 22,646 25,243 28,051 31,065 34,315 37,788 41,518 49,760 59,172 69,924	
Effective or	т	\$14,252 15,878 17,484 19,627 21,960 24,478 27,201 30,124 33,275 36,643 40,260 48,252 57,379 67,805	
(Ef)	7	\$13,807 15,380 16,938 19,014 21,274 23,713 26,351 29,183 32,235 35,498 39,002 46,744 55,586 65,686	
	1	\$13,362 15,023 16,392 18,401 20,588 22,948 25,501 28,242 31,195 34,353 37,744 45,236 53,793 63,567	

SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

ss Cl	o 8	\$23,030 \$20,588	721		22,	23,	23,		28,324 25,321						
Class	7	\$25,761	26,534	27,330	28,150	28,994	29,864	30,760	31,683	32,633	33,612	34,621	35,659	36,729	
Class	9	\$28,817	29,682	30,572	31,489	32,434	33,407	34,409	35,441	36,505	37,600	38,728	39,889	41,086	
Class	വ	\$32,235	33,202	34,198	35,224	36,281	37,369	38,490	39,645	40,834	42,059	43,321	44,621	45,959	
Class	4	\$39,782	40,975	42,205	43,471	44,775	46,118	47,502	48,927	50,395	51,906	53,464	55,068	56,720	
Class	m	\$49,095	50,568	52,085	53,647	55,257	56,915	58,622	60,381	62,192	64,058	65,980	67,959	866,69	
Class	2	\$60,589	62,407	64,279	66,207	68,193	70,239	72,346	74,517	76,752	79,055	81,427	83,869	86,385	
Class	$\leftarrow$	\$74,773	77,016	79,327	81,706	84,158	86,682	89,283	91,961	94,720	97,201	97,201	97,201	97,201	
	Step	Н	7	κ	4	5	9	7	ω	თ	10	11	12	13	

**Executive Orders** 

EO 13106

## Title 3—The President

# SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES DEPARTMENT OF VETERANS AFFAIRS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

Schedule for the Office of the Under Secretary for Health (38 U.S.C. 7306)  $\!\!\!\!\!^\star$ 

Deputy Under Secretary for Health	121.628 ***
Medical Directors Service Directors Director, National Center for Preventive Health	. 87,696 108,911
Physician and Dentist Schedule	
Director Grade Executive Grade Chief Grade Senior Grade Intermediate Grade Full Grade Associate Grade	. \$87,696 \$108,911 80,978 103,203 74,773 97,201 63,567 82,638 53,793 69,930 45,236 58,808
Clinical Podiatrist and Optometrist So	chedule
Chief Grade Senior Grade Intermediate Grade Full Grade Associate Grade	. \$74,773 \$97,201 . 63,567 82,638 . 53,793 69,930 . 45,236 58,808
Physician Assistant and Expanded-Fun Dental Auxiliary Schedule ****	ction
Director Grade Assistant Director Grade Chief Grade Senior Grade Intermediate Grade Full Grade Associate Grade Junior Grade	. 63,567 82,638 . 53,793 69,930 . 45,236 58,808 . 37,744 49,066 . 31,195 40,555 . 26,844 34,899
Physician Assistant and Expanded-Fun Dental Auxiliary Schedule ****  Director Grade Assistant Director Grade Chief Grade Senior Grade Intermediate Grade Full Grade Associate Grade	. \$74,773 \$97,201 . 63,567 82,638 . 53,793 69,930 . 45,236 58,808 . 37,744 49,066 . 31,195 40,555 . 26,844 34,899

<sup>\*</sup> This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.

<sup>\*\*</sup> Pursuant to section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$118,400.

<sup>\*\*\*</sup> Pursuant to section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is \$110,700.

<sup>\*\*\*\*</sup> Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

#### SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

ES-1															\$102,300
S-2															107,100
ES-3															112,000
ES-4															118,000
ES-5															118,400
ES-6															118.400

#### SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

level	I																\$151,800
level	ΙI								٠								136,700
level	III																125,900
level	IV																118,400
level	V		_		_												110.700

## SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

Vice President
Senators
Members of the House of Representatives
Delegates to the House of Representatives
Resident Commissioner from Puerto Rico
President pro tempore of the Senate
Majority leader and minority leader of the Senate 151,800
Majority leader and minority leader of the House
of Representatives
Speaker of the House of Representatives

# SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

Chief Justice of the United States	\$175,400
Associate Justices of the Supreme Court	167,900
Circuit Judges	145,000
District Judges	136,700
Judges of the Court of International Trade	136,700

Title 3—The President

4,008.00 3,393.30 2,871.30

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4,008.00 3,393.30 2,871.30

4,008.00 3,393.30 2,871.30

4,008.00 3,393.30 2,871.30

COMMISSIONED OFFICERS WITH OVER 4 YEARS OF ACTIVE DUTY SERVICE AS AN ENLISTED MEMBER OR WARRANT OFFICER

3,364.50 3,484.80 3,673.80 3,855.30 4,008.00 4,008.00 2,930.40 3,023.40 3,181.20 3,303.00 3,333.30 3,393.30 2,469.90 2,560.80 2,653.80 2,745.90 2,871.30 2,871.30

3,210.60 2,871.30 2,312.10

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SCHEDULE 8--PAY OF THE UNIFORMED SERVICES (Effective on January 1, 1999)

Part I -- MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

		Tit	le	3	3-		T	h	е	Pr
Over 26		\$10,800.00*	8,633.70	7,619.70	6,694.20	5,462.40	4,566.60	3,949.50	2,930.40	2,312.10
Over 24		\$10,167.00*	8,633.70	7,619.70	6,381.00	5,462.40	4,566.60	3,949.50	2,930.40	2,312.10
Over 22		\$10,167.00*	8,633.70	7,619.70	6,172.50	5,462.40	4,566.60	3,949.50	2,930.40	2,312.10
Over 20		\$10,167.00*	8,425.80	7,619.70	5,834.40	5,277.90	4,566.60	3,949.50	2,930.40	2,312.10
Over 18		\$9,528.90*	8,114.40	7,619.70	5,709.60	5,122.20	4,566.60	3,949.50	2,930.40	2,312.10
Over 16		\$9,528.90*								
Over 14	OFFICERS	\$8,892.60	7,466.10	6,481.20	4,690.80	4,507.50	4,257.30	3,949.50	2,930.40	2,312.10
Over 12	COMMISSIONED OF	\$8,892.60	7,466.10	6,172.50	4,536.60	4,224.30	4,071.90	3,855.30	2,930.40	2,312.10
Over 10	COMM	\$8,425.80	7,129.20	6,172.50	4,536.60	4,008.00	3,855.30	3,673.80	2,930.40	2,312.10
Over 8		\$8,425.80								
Over 6		\$8,114.40								
Over 4		\$8,114.40								
Over 3		\$8,114.40								
Over 2		\$8,114.40								
2 or less		\$7,838.70	6,292.20	5,228.40	3,875.10	3,099.60	2,612.40		2,117.10	1,838.10
Pay Grade		0-10 **	8-0	0-7	9-0	0-5	0-4	0-3 ***	0-2 ***	0-1

Basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule, which is \$9,225.00 per month.

For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Coast Guard, basic pay for this grade is calculated to be \$11,916.60 per month, regardless of cumulative years of service computed under service, 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level V of the Executive Schedule, which is \$9,225.00 per month.

Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**Executive Orders** 

SCHEDULE 8--PAY OF THE UNIFORMED SERVICES (PAGE 2)

205)
U.S.C.
37
UNDER
(COMPUTED
SERVICE
Q.
YEARS

	Over 26		\$4,697.70 4,224.30 3,577.80 3,114.00 2,777.70		\$3,704.70 2,308.40 2,172.60 2,172.60 1,485.30 1,274.70 1,075.80 959.40
	Over 24		\$4,507.80 4,041.00 3,456.30 3,114.00 2,777.70		\$3,507.30 3,108.90 2,778.90 2,172.60 1,844.10 1,274.70 1,075.80
	Over 22		\$4,380.90 3,918.90 3,456.30 3,114.00 2,777.70		\$3,375.90 2,976.60 2,647.20 2,172.60 1,844.10 1,2745.30 1,075.80 959.40
	Over 20		\$4,221.30 3,792.00 3,335.70 2,993.10 2,777.70		2, 207.60 2, 811.30 2, 480.40 2, 172.60 1, 844.10 1, 274.70 1, 075.80
	Over 18		\$3,673.80 3,210.60 2,901.90 2,681.70		\$3,147.00 2,743.80 2,448.60 2,172.60 1,844.10 1,274.70 1,075.80 959.40
6	Over 16		\$3,577.80 3,114.00 2,809.50 2,591.70		\$3,078.00 2,682.90 2,382.60 2,140.20 1,844.10 1,485.30 1,274.70 1,075.80 959.40
	Over 14		\$3,456.30 3,023.40 2,714.10 2,498.70		\$3,008.40 2,613.60 2,316.60 2,073.30 1,844.10 1,274.70 1,075.80 959.40
C VIGOR O	Over 12	WARRANT OFFICERS	\$3,303.00 2,930.40 2,623.80 2,407.20	MEMBERS	\$2,942.10 2,547.30 2,216.70 2,010.00 1,811.10 1,485.30 1,274.70 1,075.80 959.40
EAST OF SERVICE (CONFOIED UNDER 37 0.5.C. 205)	Over 10	WARRANT	\$3,087.30 2,838.00 2,531.10 2,312.10	ENLISTED	\$2,877.30 2,482.50 2,149.50 1,911.60 1,746.30 1,485.30 1,274.70 1,075.80
	Over 8		\$2,962.80 2,681.70 2,438.40 2,221.50		\$2,412.60 2,082.90 1,844.10 1,680.30 1,745.30 1,274.70 1,075.80
	Over 6		\$2,838.00 2,498.70 2,312.10 2,130.30		\$2,018.70 1,779.90 1,614.30 1,485.30 1,274.70 1,075.80 959.40
	Over 4		\$2,714.10 2,469.90 2,192.10 2,037.90		\$1,952.10 1,715.40 1,514.70 1,428.60 1,274.70 1,075.80
	Over 3		\$2,653.80 2,438.40 2,130.30 1,880.70		\$1,885.50 1,645.50 1,451.40 1,356.60 1,225.80 1,075.80
	Over 2		\$2,653.80 2,438.40 2,130.30 1,880.70		\$1,818.90 1,579.80 1,384.20 1,252.80 1,179.00 1,075.80
	2 or less		\$2,473.20 2,247.90 1,968.90 1,640.40		\$1,684.80 1,449.30 1,251.70 1,185.90 1,117.80 1,075.80 887.70
	Pay Grade		* * * * * * * * * * * * * * * * * * *		

For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$4,503.00 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

Applies to personnel who have served 4 months or more on active duty. Applies to personnel who have served less than 4 months on active duty.

## Title 3—The President

#### SCHEDULE 8--PAY OF THE UNIFORMED SERVICES (PAGE 3)

#### Part II--RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is \$600.00.

Note: As a result of the enactment of sections 602-604 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

# **Executive Orders**

# SCHEDULE 9--LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 1999)

Locality Pay Area <sup>1</sup>	<u>Rate</u>
Atlanta, GA	6.67%
Boston-Worcester-Lawrence, MA-NH, ME, CT	9.32%
Chicago-Gary-Kenosha, IL-IN-WI	9.98%
Cincinnati-Hamilton, OH-KY-IN	8.31%
Cleveland-Akron, OH	6.92%
Columbus, OH	7.46%
Dallas-Fort Worth, TX	7.47%
Dayton-Springfield, OH	6.67%
Denver-Boulder-Greeley, CO	9.16%
Detroit-Ann Arbor-Flint, MI	10.13%
Hartford, CT	9.85%
Houston-Galveston-Brazoria, TX	12.92%
Huntsville, AL	6.31%
Indianapolis, IN	6.08%
Kansas City, MO-KS	6.51%
Los Angeles-Riverside-Orange County, CA	11.14%
Miami-Fort Lauderdale, FL	8.51%
Milwaukee-Racine, WI	6.74%
Minneapolis-St. Paul, MN-WI	7.92%
New York-Northern New Jersey-Long Island, NY-NJ-CT-PA	10.55%
Orlando, FL	5.87%
Philadelphia-Wilmington-Atlantic City, PA-NJ-DE-MD	8.30%
Pittsburgh, PA	6.68%
Portland-Salem, OR-WA	7.80%
Richmond-Petersburg, VA	6.61%
Sacramento-Yolo, CA	8,27%
St. Louis, MO-IL	6.17%
San Diego, CA	8.62%
San Francisco-Oakland-San Jose, CA	13.06%
Seattle-Tacoma-Bremerton, WA	7.96%
Washington-Baltimore, DC-MD-VA-WV	7.87%
Rest of U.S	5.87%
Nobel 52 5.5	2.5.0

 $<sup>^{1}\</sup>mathrm{Locality}$  Pay Areas are defined in 5 CFR 531.603.

## Executive Order 13107 of December 10, 1998

# **Implementation of Human Rights Treaties**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and bearing in mind the obligations of the United States pursuant to the International Covenant on Civil and Political Rights (ICCPR), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), the Convention on the Elimination of All Forms of Racial Discrimination (CERD), and other relevant treaties concerned with the protection and promotion of human rights to which the United States is now or may become a party in the future, it is hereby ordered as follows:

- **Section 1.** *Implementation of Human Rights Obligations.* (a) It shall be the policy and practice of the Government of the United States, being committed to the protection and promotion of human rights and fundamental freedoms, fully to respect and implement its obligations under the international human rights treaties to which it is a party, including the ICCPR, the CAT, and the CERD.
- (b) It shall also be the policy and practice of the Government of the United States to promote respect for international human rights, both in our relationships with all other countries and by working with and strengthening the various international mechanisms for the promotion of human rights, including, *inter alia*, those of the United Nations, the International Labor Organization, and the Organization of American States.
- **Sec. 2.** Responsibility of Executive Departments and Agencies. (a) All executive departments and agencies (as defined in 5 U.S.C. 101–105, including boards and commissions, and hereinafter referred to collectively as "agency" or "agencies") shall maintain a current awareness of United States international human rights obligations that are relevant to their functions and shall perform such functions so as to respect and implement those obligations fully. The head of each agency shall designate a single contact officer who will be responsible for overall coordination of the implementation of this order. Under this order, all such agencies shall retain their established institutional roles in the implementation, interpretation, and enforcement of Federal law and policy.
- (b) The heads of agencies shall have lead responsibility, in coordination with other appropriate agencies, for questions concerning implementation of human rights obligations that fall within their respective operating and program responsibilities and authorities or, to the extent that matters do not fall within the operating and program responsibilities and authorities of any agency, that most closely relate to their general areas of concern.
- **Sec. 3.** Human Rights Inquiries and Complaints. Each agency shall take lead responsibility, in coordination with other appropriate agencies, for responding to inquiries, requests for information, and complaints about violations of human rights obligations that fall within its areas of responsibility or, if the matter does not fall within its areas of responsibility, referring it to the appropriate agency for response.
- **Sec. 4.** Interagency Working Group on Human Rights Treaties. (a) There is hereby established an Interagency Working Group on Human Rights Treaties for the purpose of providing guidance, oversight, and coordination